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arraignment

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

16 Cr. 19 (PGG)

5 MAALIK JONES,

6 Defendant.

7 -----x

8
9 January 13, 2015
11:50 a.m.

10 Before:

11 HON. PAUL G. GARDEPHE,

12 District Judge

13
14 APPEARANCES

15 PREET BHARARA

United States Attorney for the
Southern District of New York

16 BY: ANDREW DeFILIPPIS

17 SEAN S. BUCKLEY

Assistant United States Attorneys

18 IRVING COHEN

19 Attorney for Defendant

20 ALSO PRESENT: MARY BOESE, Special Agent, FBI

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1 (Case called)

2 THE DEPUTY CLERK: Is the government ready?

3 MR. DEFILIPPIS: Yes. Good morning, your Honor.

4 Andrew DiFilippis and Sean Buckley for the government. With us
5 at counsel table is Special Agent Mary Boese of the FBI.

6 MR. BUCKLEY: Good morning.

7 THE COURT: Good morning.

8 MR. COHEN: Good morning, your Honor. Irving Cohen
9 appearing on behalf of Mr. Jones.

10 THE COURT: Good morning. We are here for purposes of
11 arraigning Mr. Jones on the indictment.

12 Mr. Jones, would you please stand?

13 Mr. Jones, you are here this morning with Mr. Cohen as
14 your attorney; is that correct?

15 THE DEFENDANT: Yes.

16 THE COURT: Have you received a copy of the indictment
17 which reflects the charges against you?

18 THE DEFENDANT: Yes.

19 THE COURT: Have you had an opportunity to read the
20 indictment?

21 THE DEFENDANT: Yes.

22 THE COURT: Have you discussed it with Mr. Cohen?

23 THE DEFENDANT: Yes.

24 THE COURT: You should understand that you are charged
25 in Count One of the indictment with violating 18, United States

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1 Code, Section 2339(b) by conspiring to provide material support
2 or resources to a foreign terrorist organization, namely Al
3 Shabaab at some point between July 2011 and December 2015.

4 You are charged in Count Two with violating Title 18,
5 United States Code, Section 2339(b) by providing material
6 support or resources to Al Shabaab, a foreign terrorist
7 organization, between July 2011 and December 2015.

8 You are charged in Count Three with violating
9 Title 18, United States Code, Section 371 by conspiring to
10 receive military training from or on behalf of Al Shabaab, a
11 foreign terrorist organization, between July 2011 and December
12 2015.

13 You are charged in Count Four with violating 18,
14 United States Code, Section 2339(d) by receiving military
15 training from and on behalf of Al Shabaab, a foreign terrorist
16 organization, between July 2011 and December 2015.

17 And then finally, you are charged in Count Five with
18 violating Title 18, United States Code, Section 924(c) by using
19 and carrying a firearm during and in relation to the crimes
20 charged in Counts One through Four of the indictment.

21 Do you understand that those are the charges against
22 you?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you wish me to read the indictment to
25 you now here in open court?

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1 THE DEFENDANT: No.

2 THE COURT: I will ask you as to each count, how do
3 you plead beginning with Count One; guilty or not guilty?

4 THE DEFENDANT: Not guilty.

5 THE COURT: Count Two?

6 THE DEFENDANT: Not guilty.

7 THE COURT: Count Three?

8 THE DEFENDANT: Not guilty.

9 THE COURT: Count Four?

10 THE DEFENDANT: Not guilty.

11 THE COURT: Count Five?

12 THE DEFENDANT: Not guilty.

13 THE COURT: You may be seated.

14 Can the government tell me what the nature and
15 magnitude of discovery materials is?

16 MR. DEFILIPPIS: Yes, your Honor.

17 The discovery in this case we expect will not be
18 extremely voluminous. It will consist principally of
19 electronic media including a number of videos that were
20 obtained from a drive. It will consist of the defendant's
21 statements memorialized in FBI reports. There will also be
22 translations of the audio portions of some of the videos, pen
23 register and call record data, and that will be principally the
24 discovery in the case.

25 THE COURT: How long will it take you to produce those

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1 materials?

2 MR. DEFILIPPIS: Your Honor, we expect or would ask
3 for approximately 45 days in order to complete that discovery.

4 THE COURT: Mr. Cohen, understanding all of that, when
5 do you suggest that we meet again?

6 MR. COHEN: I would suggest, your Honor, a date, the
7 middle toward the end of March. One of the reasons is I will
8 be away for a substantial part of February. I will be working
9 but I will be out of the city -- I mean I will be away with my
10 family but I will also be working and I will be out of the
11 city. I don't know the type of material it is, I don't know
12 exactly what is in it, so I would like to have the opportunity
13 to review it and have as much time as I need.

14 THE COURT: I can offer you March 16th at 10:00; is
15 that convenient for you?

16 MR. COHEN: That's fine, your Honor.

17 THE COURT: Is that convenient for the government?

18 MR. DEFILIPPIS: Fine for the government, your Honor.

19 THE COURT: All right. Does the government wish me to
20 exclude time between then and now?

21 MR. DEFILIPPIS: Yes, your Honor; so that the
22 government can produce and the defense can review discovery.

23 THE COURT: Any objection, Mr. Cohen?

24 MR. COHEN: No. Not at all.

25 THE COURT: I will exclude time between today and

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1 March 16, 2016 under the Speedy Trial Act pursuant to Title 18,
2 United States Code, Section 3161(h)(7)A to permit Mr. Cohen to
3 review the discovery materials that will be produced by the
4 government and to determine whether there will be any pretrial
5 motions in the case.

6 I do find that the ends of justice served by the
7 granting of this continuance outweigh the best interests of the
8 public and the defendant in a speedy trial.

9 Is there anything else?

10 MR. DEFILIPPIS: Not from the government, your Honor.

11 MR. COHEN: No, your Honor.

12 THE COURT: Thank you.

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